

OFFICE OF THE ATTORNEY GENERAL

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SEP 12 1980

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Honorable Dan C. Henderson
Superintendent
Calhoun County Board of Education
4400 McClellan Blvd.
Anniston, AL 36201

Calhoun County - Boards of
Education - Superintendents
of Education.

1. Salary of County Superintendent of Education may not be increased during his term of office, but travel expense allowance may.
2. Any expenditures actually incurred by County Superintendent of Education reasonably necessary to performance of his duties may be reimbursed to him.

Dear Mr. Henderson:

I have received your letter and the resolution of the Calhoun County Board of Education in which are requested an Attorney General's opinion on the following questions:

1. When, to what extent, and under what circumstances may the Calhoun County Board of Education raise the salary of the County Superintendent of Education?
2. When, to what extent, and under what circumstances may the Calhoun County Board of Education raise the traveling

expenses of the County Superintendent of Education?

3. When, to what extent, and under what circumstances may the Calhoun County Board of Education pay a housing allowance to the County Superintendent of Education?
4. If a housing allowance to the County Superintendent of Education is permissible, may such allowance be included by the Teacher's Retirement System of Alabama as salary for the purpose of computing retirement pay for the County Superintendent?
5. What expenses, if any, other than traveling expenses, are reimbursible to the County Superintendent?

This office has on numerous occasions addressed the question of whether the salary of a County Superintendent of Education may be increased during his or her term of office. In each instance we have said that both Constitution of Alabama, 1901 §281 and Am. 92 prohibited any such increase. The salary of the Superintendent, whether appointed or elected, may be increased only at the beginning of a new term.

We have also previously held that the prohibitions of Section 281 and Amendment 92 are not applicable to travel expense allowances. Unless the travel expense allowance of a County Superintendent is set by law - which is not the case for Calhoun County - a Superintendent's travel expense allowance may be increased during his term of office. Opinion to Honorable Bill Ayers, Superintendent, Cleburne County Schools, under date of April 14, 1976. Any flat monthly expense allowance must, however, bear a reasonable and substantial relationship to actual expenses incurred. Opinion to Honorable David T. Hyde, City Attorney, Repton, Alabama, under date of December 9, 1976.

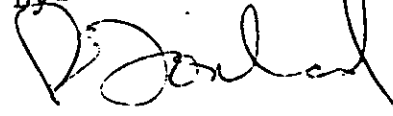
In addition to traveling expenses, any expenditures which are actually incurred by the Superintendent, and which are reasonably necessary to the proper performance of the duties of the office of Superintendent of Education may, in the discretion of the Board, be reimbursed to him. A housing allowance would not be a reimbursement of expenses incurred in the performance of his duties, but would be instead an increase in compensation under the guise of an expense allowance. Any such compensation is prohibited by Section 281 and Amendment 92.

I hope this answers your questions. If I or this office can be of additional assistance, please call on us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By-

A handwritten signature in dark ink, appearing to read "Ronald", written over the "By-" text.

RONALD C. FOREHAND
Assistant Attorney General

RCF:jaf